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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/21/22

April 20, 2022

MEMO ENDORSED

VIA ECF

The Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

Re: SingularDTV GmbH v. Doe
Civil Action No.: 1:21-cv-6000-VEC
Status Update

Dear Judge Caproni,

Apologies for our delay in providing this status update. Following the Court's March 18, 2022, ruling permitting Kobre and Kim to withdraw its Motion to Intervene, our office is prepared to issue multiple subpoenas to compel testimony and documents from parties who have indicated that they have information relevant to Plaintiff's investigation of the hacking incident. By this letter, we request leave of the Court to serve subpoenas on the parties listed below:

- (A) Michael Mraz, partner at Wegner Vieli AG, Zurich, regarding that firm's findings from investigations it conducted following the hack, including through parties retained by the firm on behalf of Plaintiff. We also plan to seek documents produced in the course of their investigation. By way of background, Wegner Vieli AG advises and represents SingularDTV GmbH in all legal matters in Switzerland, including corporate, notarial, dispute resolution, and criminal matters, pursuant to a power of attorney, since 2019.
- (B) Kevin Madura, Senior Vice President in the global cybersecurity practice group at AlixPartners, LLP and an expert in cryptocurrency technology, including blockchains, and computer programming. Subpoenas will seek documentation and communications with SingularDTV personnel and representative related to the engagement of AlixPartners, LLP, testimony regarding its investigative process and findings, as well as copies of work product produced in the course of its investigation.
- (C) Patrik Allenspach, representative of SingularDTV GmbH and its resident signatory. Subpoenas will initially seek copies of communications relating to SingularDTV's buyout negotiations with Ari Levy Cohen preceding the hacking incident and SingularDTV's subsequent investigation, if any. We will also seek communications with the following parties, solely to the extent related to the hacking incident and subsequent investigations:

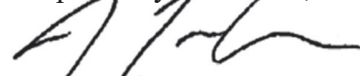
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Kevin Madura; Zach LeBeau; Joe Lubin; Tibor Nagy (general counsel who led the post-hack investigation); Carl Volz (prior general counsel); Edward Greenwood (a long-time employee of SingularDTV LLC (US); and Matt Corva an attorney for ConsenSys, who was involved in the post-hack investigation.

- (D) Zach LeBeau, seeking copies of communications with all parties preceding and immediately following the hacking incident. We will seek documentation exploring all of the allegations against Zach LeBeau asserted by Kevin Madura in pleadings in the related matter before this Court.
- (E) Matt Corva seeking documents and testimony related the proposed transactions giving rise to the hacking incident, the incident itself, and any subsequent investigations. Specifically, we will seek copies of records received from Carl Volz related to the hacking incident (which he refers to as the "compliance incident" in communications made on behalf of SingularDTV) and information provided to SingularDTV by Mr. Corva with respect to all of the above.

In addition to the above, we request leave to file a motion to compel Binance Holdings Limited to provide the limited information requested in our subpoena of last year.

Respectfully submitted,



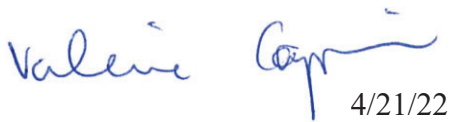
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Application GRANTED in part and DENIED in part. Most of the individuals Plaintiff seeks to subpoena are employed by Plaintiff, and the materials Plaintiff seeks to obtain via subpoena would appear to be within the control of the Company. With respect to Plaintiff's own attorney in Switzerland, Plaintiff offers no explanation why a subpoena would be the appropriate process through which to obtain testimony from and documents in a foreign country (as opposed to letters rogatory or a similar process). The Court denies Plaintiff's request for all five subpoenas without prejudice to Plaintiff re-raising the request with a better explanation of the necessity for these subpoenas and the legal and factual basis for the Court to authorize their issuance.

Plaintiff's request for leave to file a motion to compel Binance Holdings Limited to provide information requested in its prior subpoena is GRANTED. Plaintiff must file the motion to compel not later than **May 6, 2022**.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni".

4/21/22

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE